

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	Case No. 02-40140-01/02-JAR
)	
)	
CLINTON ODELL WEIDNER, II and,)	
DAVID C. WITTIG,)	
)	
Defendants.)	
)	

ORDER DENYING MOTION PURSUANT TO RULE 47.1

This matter is before the Court on the Motion Pursuant to Rule 47.1 filed by Defendant David C. Wittig (Doc. 108). Defendant Wittig moves for authority to contact jurors in the above-captioned case pursuant to Local Rule 47.1. For the reasons set forth below, the motion is denied.

Under the local rules of this district, Defendant could not make the inquiry he seeks without leave of the Court. D.Kan. Rule 47.1(b) provides in pertinent part:

Under no circumstances except by order of the court in its discretion, and under such terms and conditions as it shall establish, shall any party or any party's attorney or their agents or employees examine or interview any juror, either orally or in writing, nor shall any juror consenting to be interviewed disclose

any information with respect to the specific vote of any juror other than the juror being interviewed, or the deliberations of the jury.

Federal Rule of Evidence 606(b) provides in pertinent part:

Upon an inquiry into the validity of a verdict . . . , a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict . . . or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror.

The policy considerations underlying D.Kan. Rule 47.1 and Fed. R. Evid. 606(b) “include the protection of jurors from harassment and preserving the finality of judgments.”¹ “District courts have ‘wide discretion’ to restrict attorney-juror contact in order to shield jurors from post-trial ‘fishing expeditions’ by losing attorneys.”²

Having reviewed the motion, the Court in its discretion finds that Defendant Wittig has failed to articulate any reason for communicating with jurors. Counsel neither asserts, nor is there any indication, that the jurors were exposed to extraneous prejudicial information or improper outside influence during their jury deliberations.³ In light of the policy considerations that underlie our local rule and Fed. R. Evid. 606(b), the motion must be denied.

IT IS THEREFORE ORDERED that the Motion Pursuant to Rule 47.1 (Doc. 108) is DENIED.

¹*Kinser v. Gehl Company*, 1998 WL 171271 *1 (D. Kan. 1998) (citation omitted).

²*Green Construction Co. v. The Kansas Power & Light Co.*, 1 F.3d 1005, 1012 (10th Cir. 1993) (citation omitted).

³*See* Fed. R. Evid. 606(b).

IT IS SO ORDERED.

Dated this 1st day of August, 2003.

S/ Julie A. Robinson
Julie A. Robinson
United States District Judge